

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
(BID PROTEST)**

SPACE EXPLORATION TECHNOLOGIES
CORP.,

Plaintiff,

V.

THE UNITED STATES,

Defendant,

and

UNITED LAUNCH SERVICES, LLC,

Defendant-Intervenor.

Civil Case No. 14-354C
Judge Braden

APPLICATION FOR ACCESS TO INFORMATION UNDER PROTECTIVE ORDER
BY EXPERT CONSULTANT OR WITNESS FOR PLAINTIFF

1. I, the undersigned, am an independent, private consultant on contracts and fiscal law, and I hereby apply for access to protected information covered by the Protective Order issued in connection with this proceeding.
2. I have been retained by Hamish PM Hume of Boies, Schiller & Flexner LLP, Counsel of Record for Plaintiff Space Exploration Technologies, Corp. ("SpaceX"), a party to this proceeding, and will, under the direction and control of Counsel, assist in the representation of SpaceX in this proceeding.
3. I hereby certify that I am not involved in competitive decision making as discussed in *U.S. Steel Corp. v. United States*, 730 F.2d 1465 (Fed. Cir. 1984), for or on behalf of any party to this proceeding or any other firm that might gain a competitive advantage from access to the information disclosed under the protective order. Neither I nor my employer

provides advice or participates in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means, for example, that neither I nor my employer provides advice concerning, or participates in decisions about, marketing or advertising strategies, product research and development, product design or competitive structuring and composition of bids, offers, or proposals with respect to which the use of protected information could provide a competitive advantage.

4. My professional relationship with the party for whom I am retained in this proceeding and its personnel is strictly as a consultant on issues relevant to the proceeding. Neither I nor any member of my immediate family holds office or a management position in any company that is a party in this proceeding or in any competitor or potential competitor of a party.
5. I have attached the following information:
 - a. a current resume describing my education and employment experience to date;
 - b. a list of all clients for whom I have performed work within the two years prior to the date of this application and a brief description of the work performed;
 - c. a statement of the services I am expected to perform in connection with this proceeding;
 - d. a description of the financial interests that I, my spouse, and/or my family has in any entity that is an interested party in this proceeding or whose protected information will be reviewed (if none, I have so stated);
 - e. a list identifying by name of forum, case number, date, and circumstances all instances in which I have been granted admission or been denied admission to a protective order, had a protective order admission revoked, or have been found to have violated a protective order issued by an administrative or judicial tribunal (if none, I have so stated);
 - f. a list of the professional associations to which I belong, including my identification numbers.
6. I have read a copy of the Protective Order issued by the court in this proceeding. I will comply in all respects with all terms and conditions of that order in handling any protected information produced in connection with the proceeding. I will not disclose any protected

information to any individual who has not been admitted under the Protective Order by the court.

7. For a period of two years after the date this application is granted, I will not engage or assist in the preparation of a proposal to be submitted to any agency of the United States government for the acquisition of space launch vehicle or space launch capability support services, when I know or have reason to know that any party to this proceeding, or any successor entity, will be a competitor, subcontractor, or teaming member.
8. For a period of two years after the date this application is granted, I will not engage or assist in the preparation of a proposal or submission to the U.S. Air Force, Space & Missile Systems Center, in connection with the Evolved Expendable Launch Vehicle program, nor will I have any personal involvement in any such activity.
9. I acknowledge that a violation of the terms of the Protective Order may result in the imposition of such sanctions as may be deemed appropriate by the court and in possible civil and criminal liability.

By my signature, I certify that, to the best of my knowledge, the representations set forth above (including attached statements) are true and correct.

[Signatures follow]

Matt Reres

Signature of Applicant

Matt Reres

Telephone: (571) 294-0810

Facsimile: (703) 378-4767

E-mail: MattReres@aol.com

15 December 2014

Date Executed

Harnish PM Hume/K

Signature of Attorney of Record

Harnish PM Hume, Attorney of Record

Telephone: (202) 274-1149

Facsimile: (202) 237-6131

E-mail: hhume@bsflp.com

12/16/14

Date Executed

Attachment to Matt Reres' Application for Access to Information Under Protective Order

Matt Reres

13528 Point Pleasant Drive • Chantilly, Virginia 20151 • Phone: 703-378-4767
1008 Longley Cove • Lake Mary, Florida 32746 • Phone 407-878-1138
• Cell: 571-294-0810 • Fax: 703-378-4767 • E-mail: MattReres@aol.com

PROFESSIONAL EXPERIENCE

Private Consultant—Contracts, Fiscal Law, State & Local Taxes, & Ethics—2007 to Present.
Compliance Officer for major manufacturing firms—2012 to present

Department of the Army, Office of the General Counsel, Pentagon, Washington, D.C. 20310-0104.
Deputy General Counsel (Ethics & Fiscal), 1993—2007.

Served as the final legal authority for the Army's \$250+ billion budget for all stages from formulation, submission, and execution. Senior Executive Service (SES).

Served as Army's Alternate Designated Ethics Official—responsible as the final legal authority for all ethics issues for the 1.1 million Soldiers and Army civilians, including direct oversight of the Army's Ethics program and its 1,000 ethics lawyers.

Deputy General Counsel (Fiscal), 1987—1993.

Served as the senior fiscal attorney—responsible as the final legal authority for all federal appropriations issues arising from the DOD Appropriations and Military Construction Acts. SES.

Acting Deputy General Counsel (Fiscal), 1985—1987.

Served in a SES position, in an Acting capacity, supervised 7 attorneys in all phases of the federal appropriations process.

Department of the Army, Office of The Judge Advocate General, Contract Law Division, Washington, D.C., 20310.

Chief, Tax and Property Law Section, 1980—1985.

Responsible for all intergovernmental tax disputes with each of the 50 states, the three territories, and the District of Columbia arising from Army contracts.

Department of the Army, Office of The Judge Advocate General, Contract Law Division, Washington, D.C., 20310

Acting Chief, Tax and Property Law Section, 1976—1980.

Served as primary or co-counsel with Department of Justice attorneys in all intergovernmental tax disputes with each of the 50 states and the District of Columbia, arising from Army contracts.

U.S. Army, Judge Advocate General's Corps, 1969—1980. *Active Duty Captain/Major.*

Trial Counsel, Defense Counsel, Contracts Attorney, Administrative Law and Tax Attorney.

U.S. Army Reserves & the Army National Guard: 1980—1999.

Major/Lieutenant Colonel/Colonel,

Staff Judge Advocate, Commander, Judge Advocate General Detachment (Contracts) supporting the National Guard Bureau. Developed and presented 15 separate contracts and fiscal law courses to the 54 National Guard jurisdictions and to 2,500+ National Guard personnel.

Attachment to Matt Reres' Application for Access to Information Under Protective Order

TEACHING EXPERIENCE—*Senior Instructor*—ESI Informa, FAR & UCC based Contracts & Management courses, 2008 to Present. More than 100 separate multi-day presentations.

Adjunct Professor—Northern Virginia Community College, 50+ Business Courses: 1977—2009.

Honorary Staff and Faculty—*Contracts, Taxes, Ethics, and Fiscal Law (Federal Appropriations)* The Judge Advocate General Law Center and School, U.S. Army, 125+ training courses: 1980—2007.

Speaker and/or Panelist—*Contracts, Taxes, Ethics, and Fiscal Law (Federal Appropriations)* Multiple sessions: American Society of Military Comptrollers: 1983—1995.

Panelist—*Ethics* Multiple sessions: Office of Government Ethics: 1994—2007.

Speaker—*Contracts, Inter-Governmental Taxes, Ethics, and Fiscal Law (Federal Appropriations)* George Washington University Law School; Syracuse University School of Business; Air Force War College; Departments of Defense, Veterans Affairs, Commerce, Interior, Agriculture, etc.; Senior Executive Association; and other public and private sector forums: 1985 to Present.

Author—14 Ethics and Federal Appropriations Articles, *Resource Management* magazine and the *Internal Review and Audit Compliance Journal*.

EDUCATION

Creighton University School of Law, Omaha, Nebraska.

Juris Doctor, 1967.

Creighton University, Omaha, Nebraska.

Bachelor of Arts: Philosophy, English, History, 1964.

BAR & OTHER MEMBERSHIPS

Nebraska Bar Association

American Bar Association - Federal Bar Association

Supreme Court of the United States of America

United States Tax Court—United States Court of Federal Claims—United States Court of Appeals for the Armed Forces—United States Court of International Trade

Senior Executive Association-

American Society of Military Comptrollers: (15,000 members) (National General Counsel: 1985—1993)

AWARDS

Presidential Rank Award—Distinguished: 2007 and 2002

Presidential Rank Award—Meritorious: 1996

Secretary of the Army Exceptional Civilian Service Award: 2007, 2002, and 1996

Secretary of the Army Meritorious Civilian Service Award: 1985

Legion of Merit: 1999 and 1994 // Meritorious Service Award: 1985 and 1980

Army Commendation Medal: 1980 and 1969 // Army Achievement Medal: 1989 and 1986

REFERENCES

Available upon request.

Attachment to Matt Reres' Application for Access to Information Under Protective Order

List of Clients
Pursuant to Application Paragraph 5(b)

ESI Informa—This international firm retains consultants to address management and contracts subjects to both the public and private sectors. As a consultant for ESI since 2008 to the present I have presented more than 100 separate courses of instruction. All of the subjects I have addressed are focused on federal and commercial contracts issues—both the FAR (Federal Acquisition Regulation) and the UCC (Uniform Commercial Code). Some of the subjects I have presented are: Federal Construction Contracting; Federal Appropriations Law; Disputes and Terminations; Commercial Law and the UCC; Basic Federal Contracts; Source Selection Essentials; Acquisition for Federal Program & Project Managers; Best Value Processes; Training for Contracting Officers Representatives; FAR Part 15 Negotiated Acquisition; Government Contract Law; Legal Considerations in Government Contracting; Market Research; Using GWAC, IDIQ, and GSA Schedule Contracts. These presentations were to most Federal Departments and Agencies, including DoD, each of the Military Departments and Defense Agencies, The Departments of Commerce, Interior, Education, State, Agriculture, General Services Administration, NASA, Veterans Administration, Treasury and the FBI, IRS, FEMA, and DEA among others.

Some of the private sector groups I have made presentations, include: Boeing, Raytheon, ATK, Blue Cross Blue Shield Association, General Dynamics, Unisys, and others.

Each of the presentations ran six to eight hours daily over a three to five day period.

Bechdon Corporation, Inc.—This Maryland firm operates a large part precision machining and fabricating facility which serves the commercial and government sector. I became the firm's Compliance Officer beginning in 2011. In this capacity I addressed issues involving the firm's internal standards of conduct program, as well as ethics issues arising under the Joint Ethics Regulation when Bechdon employees worked with federal employees on federal contracts awarded to Bechdon Corporation, Inc. In 2014 I concluded my duties as Compliance Officer for Bechdon while continuing to provide Joint Ethics Regulation training to Bechdon employees.

Attachment to Matt Reres' Application for Access to Information Under Protective Order

Statement of Services
Pursuant to Application Paragraph 5(c)

I anticipate assisting counsel by serving as an expert consultant (and as an expert testifying witness, if necessary), assisting with the analysis of fiscal law issues. I may provide assistance and analysis with respect to other issues, as requested by outside counsel for SpaceX.

Attachment to Matt Reres' Application for Access to Information Under Protective Order

Description of Financial Interests
Pursuant to Application Paragraph 5(d)

None.

Attachment to Matt Reres' Application for Access to Information Under Protective Order

Identification of Other Protective Order Instances
Pursuant to Application Paragraph 5(e)

None.

Attachment to Matt Reres' Application for Access to Information Under Protective Order

List of Professional Associations
Pursuant to Application Paragraph 5(f)

- Nebraska Bar Association [**Bar #13492**]
- American Bar Association - Federal Bar Association
- Supreme Court of the United States of America
- United States Tax Court
- United States Court of Federal Claims
- United States Court of Appeals for the Armed Forces
- United States Court of International Trade
- Senior Executive Association
- American Society of Military Comptrollers: (15,000 members) (National General Counsel: 1985—1993)